

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOSEPH A. ELLIOTT, SR.,	)	
	)	Plaintiff
	)	
vs.	)	Civil Action No. 05-1667
	)	Judge Joy Flowers Conti/
RAYMOND W. DORIAN; GOVERNOR	)	Magistrate Judge Amy Reynolds Hay
EDWARD G. RENDELL; JEFFREY A.	)	
BEARD, PH.D.,	)	
	)	
	)	Defendants

O R D E R

AND NOW this 4<sup>th</sup> day of January, 2007, after the plaintiff filed an action in the above-captioned case, and after the defendants filed a motion to dismiss, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that the plaintiff's Complaint is DISMISSED for failure to state a claim upon which relief can be granted.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3 of the Federal Rules of Appellate Procedure.

/s/ Joy Flowers Conti  
JOY FLOWERS CONTI  
United States District Judge

cc: Hon. Amy Reynolds Hay  
United States Magistrate Judge

Joseph A. Elliott, Sr.  
CA-1717  
SCI Fayette  
Box 9999  
LaBelle, PA 15450

Mariah Passarelli, Esquire  
Office of the Attorney General  
564 Forbes Avenue  
6th Floor, Manor Complex  
Pittsburgh, PA 15219